

SEP 12 2006

Amendment After Final Rejection
Serial No. 09/192,674

Docket No. PHN-16,762

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-9 are pending and stand rejected. Claims 1, 3, 4, 6 and 9 have been amended to correct an error in form.

Claims 1-9 stand rejected under 35 USC 103(a) as being unpatentable over Ng (USP no. 5,146,325) in view of de Haan ("True-Motion Estimation with 3-D Recursive Search Block Matching), which are the same references cited in rejecting the claims in the prior Office Action.

In reply to the applicant's arguments made in response to the rejection of the claims in the prior Office Action, the instant Office Action states that "Ng clearly teaches the feature (estimating first motion vectors associated with a set of first objects of a fixed size, said motion vectors being associated with first objects adjacent to the first object associated with the MVC motion) at least in Fig. 6 and col. 5, lines 39-65. ... The motivation has been clearly provided in the previous Answer for which the board affirmed the Examiner's position and in the Office Action mailed on 11/29/2005... First, de Haan points out that limiting to one vector per block of pixels introduces visible block structures with very visible artifacts ... Second, de Haan points out that the post filter in reference 15 can solve the problem ... Then, de Haan teaches a post-operation to solve the above problem." (see instant OA, pages 3-4).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to more clearly state the invention. More specifically, the claims have been amended to recite that an indication is included in the bit-stream to indicate that the predictive errors are formed using the second motion vectors. No new matter has been added.

Support for the amendment may be found at least on page 5, lines 5-16, which state in part "[i]f we assume that during the communication setup both terminals declare this MVPF capability, they will easily interface with each other. If at least one terminal

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declares to have not this capability, a flag can be forced in the other terminal to switch it off."

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

With reference to claim 1, neither Ng nor da Haan, individually or in combination, teach or suggest all the elements recited in the above referred-to claims. More specifically, neither Ng nor da Haan teach providing an indication that the predication errors are determined using only second motion vectors, as is recited in the claims.

Accordingly, the invention recited in claim 1 is not rendered obvious by the teachings of the cited reference, as the combined device fails to recite all the elements claimed in independent claim 1.

For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected citing the same references used in rejecting claim 1. Thus, the remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of the remaining independent claims. In view of the amendments made to the claims and for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the remaining independent claims, applicant submits that the reason for the rejection of these claims has been overcome and the rejection can no longer be sustained. For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the claims.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention,

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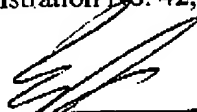
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however, the individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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